

PROCLAMATION

BY THE

Governor of the State of Texas

JUN 30 1971

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 17, 1971

I disapprove, veto, and am filing with the Secretary of State, House Bill 517.

One of the main thrusts of the Texas Mental Health Code (Articles 5547-1 through 104, VATS) enacted by the 59th Legislature in 1957 following a constitutional amendment enabling it, was to encourage persons suffering from mental illness to volunteer for treatment in a mental hospital (private or state) before they become mentally ill as to require court commitment. To accomplish this, the act prohibited court commitment of a volunteer patient unless and until he requested to be released from the hospital to which he had voluntarily admitted himself. This objective has been realized to the extent that 49 percent (49%) of all admissions to state mental hospitals in fiscal year 1970 were voluntary admissions.

House Bill 517 would amend the Mental Health Code so that, among other things, a private mental hospital could transfer a voluntary patient to a state mental hospital after service of notice to the patient by the administrator of the private mental hospital or his designee that the patient is to be transferred. If the patient failed to either agree or disagree to such transfer within 24 hours of service of the notice upon him, he would be deemed to have agreed to the transfer. No provision is made in the bill for notice to responsible relatives or the guardian of the patient and no action of any court would be required.

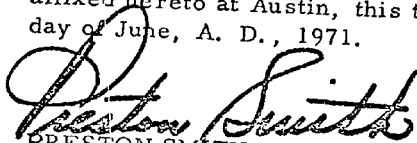
The bill is silent as to the rights of the patient after he is thusly transferred to a state mental hospital and does not advise the superintendent as to how he is to handle a patient so transferred to his hospital. For example, should the patient upon arrival at the state mental hospital refuse to sign the application for admission to the state mental hospital as required by Article 5547-23, VATS, then the superintendent should not admit him.

I am hereby vetoing House Bill 517 for the following reasons:

1. It will complicate and confuse the administration of those vital provisions of the Texas Mental Code dealing with voluntary mental patients;
2. It could result in persons being hospitalized in state mental hospitals without their actual consent, without any notice to their relatives or guardian and without any type of hearing in the county or probate court; and
3. It might discourage mentally ill persons from seeking hospitalization voluntarily.

House Bill 517 was received May 31, 1971, less than ten (10) days prior to the adjournment of the Regular Session of the 62nd Legislature. In accordance with Article IV, Section 14 of the Texas Constitution, I am filing this Proclamation together with the bill in the office of the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 17th day of June, A. D., 1971.


PRESTON SMITH

GOVERNOR OF TEXAS

By the Governor

Secretary of State